

WESTERN AUSTRALIA

LEGISLATIVE ASSEMBLY

VOTES AND PROCEEDINGS

No. 218

FIRST SESSION OF THE FORTIETH PARLIAMENT

THURSDAY, 17 SEPTEMBER 2020

1. Meeting of Assembly

The Assembly met at 9.00 am pursuant to adjournment.

The Speaker took the Chair.

An Acknowledgement of Country and Prayers were read.

2. Papers

The following papers were presented and ordered to lie upon the Table of the House –

By the Clerk –

Busselton Water – Annual Report 2019–2020 (3652).

Corruption and Crime Commission – Review of recommendations made following reports on dangerous drugs in hospitals in Western Australia (3653).

Country Housing Authority – Annual Report 2019–2020 (3654).

Parliamentary Commissioner for Administrative Investigations [Ombudsman] – Annual Report 2019–2020 (3655).

3. Brief Ministerial Statements

Brief Ministerial Statements were made by –

The Minister for Mental Health providing an update on Step Up/Step Down mental health services across regional Western Australia.

The Minister for Transport on Aboriginal engagement and participation in infrastructure projects.

The Minister for Fisheries on the progress of the Albany Aquaculture Development Zone.

4. Grievances

The Acting Speaker called for grievances which were then made.

Paper

The following paper was presented and ordered to lie upon the Table of the House –

By the Minister for Energy –

Energy, Minister for – Connolly Street Light Lux Level Assessment: Technical Report, Western Power Design Consultancy, 19 February 2020 (3656).

5. Community Development and Justice Standing Committee

Mr P.A. Katsambanis, as Chair, presented the following report which was ordered to lie upon the Table of the House –

Community Development and Justice Standing Committee – Annual Report 2019–20, Report No. 9 (3658).

Mr M.J. Folkard spoke on the report.

6. Animal Welfare and Trespass Legislation Amendment Bill 2020

The Order of the Day for the resumption of the debate upon the second reading of the bill was read.

Debate resumed.

Debate interrupted by the Chair (Attorney General speaking in reply) and adjourned until a later stage of the sitting.

7. Members' Statements

The Acting Speaker called for members' statements which were then made.

8. Questions

Questions without Notice were taken.

Questions on Notice Nos 6416 to 6425 were asked.

Question on Notice No. 6272 was answered.

Paper tabled by the Minister representing the Minister for Regional Development –

Question on Notice No. 6272 – List detailing allocated cost for projects under the Regional New Industries Fund (3657).

9. Additional Information

The Minister for Planning provided additional information relating to Question without Notice No. 698 from Mr P.J. Rundle.

10. Variation to the Order of Business

Ordered, That consideration of Government Business Order of the Day No. 1 be resumed.

11. Animal Welfare and Trespass Legislation Amendment Bill 2020

The Order of the Day for the resumption of the debate upon the second reading of the bill was read.

Debate resumed.

Question put.

The Assembly divided.

Ayes (32)

Ms L.L. Baker
 Mr J.N. Carey
 Mrs R.M.J. Clarke
 Mr R.H. Cook
 Mr M.J. Folkard
 Ms J.M. Freeman
 Mr T.J. Healy
 Mr M. Hughes
 Mr W.J. Johnston
 Mr D.J. Kelly
 Mr M. McGowan

Ms S.F. McGurk
 Mr S.A. Millman
 Mr Y. Mubarakai
 Mr M.P. Murray
 Mrs L.M. O'Malley
 Mr P. Papalia
 Mr S.J. Price
 Mr D.T. Punch
 Mr J.R. Quigley
 Ms M.M. Quirk
 Ms C.M. Rowe

Ms R. Saffioti
 Ms A. Sanderson
 Ms J.J. Shaw
 Mrs J.M.C. Stojkovski
 Mr C.J. Tallentire
 Mr D.A. Templeman
 Mr P.C. Tinley
 Mr R.R. Whitby
 Mr B.S. Wyatt
 Mr D.R. Michael (*Teller*)

Noes (14)

Mr V.A. Catania
 Mrs L.M. Harvey
 Mrs A.K. Hayden
 Dr D.J. Honey
 Mr P.A. Katsambanis

Mr Z.R.F. Kirkup
 Mr S.K. L'Estrange
 Mr R.S. Love
 Ms L. Mettam
 Dr M.D. Nahan

Mr D.C. Nalder
 Mr K.M. O'Donnell
 Mr P.J. Rundle
 Mr A. Krsticevic (*Teller*)

Question thus passed.
 Bill read a second time.

CONSIDERATION IN DETAIL

Clause 1.

Mr P.J. Rundle moved,

Page 2, line 3 — To delete "*Animal Welfare and*".

Amendment put.

The Assembly divided.

Ayes (13)

Mr V.A. Catania
 Mrs L.M. Harvey
 Dr D.J. Honey
 Mr P.A. Katsambanis
 Mr Z.R.F. Kirkup

Mr S.K. L'Estrange
 Mr R.S. Love
 Ms L. Mettam
 Dr M.D. Nahan
 Mr D.C. Nalder

Mr K.M. O'Donnell
 Mr P.J. Rundle
 Mr A. Krsticevic (*Teller*)

Noes (33)

Ms L.L. Baker
 Mr J.N. Carey
 Mrs R.M.J. Clarke
 Mr R.H. Cook
 Mr M.J. Folkard
 Ms J.M. Freeman
 Ms E.L. Hamilton
 Mr T.J. Healy
 Mr M. Hughes
 Mr W.J. Johnston
 Mr D.J. Kelly

Mr M. McGowan
 Ms S.F. McGurk
 Mr S.A. Millman
 Mr Y. Mubarakai
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 Mrs L.M. O'Malley
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 Mr S.J. Price
 Mr D.T. Punch
 Mr J.R. Quigley
 Ms M.M. Quirk

Ms C.M. Rowe
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 Ms A. Sanderson
 Ms J.J. Shaw
 Mrs J.M.C. Stojkovski
 Mr C.J. Tallentire
 Mr D.A. Templeman
 Mr P.C. Tinley
 Mr R.R. Whitby
 Mr B.S. Wyatt
 Mr D.R. Michael (*Teller*)

Amendment thus negatived.
 Clause 1 agreed to.

Clause 2 agreed to.

Clause 3 put.

The Assembly divided.

Ayes (33)

Ms L.L. Baker
Mr J.N. Carey
Mrs R.M.J. Clarke
Mr R.H. Cook
Mr M.J. Folkard
Ms J.M. Freeman
Ms E.L. Hamilton
Mr T.J. Healy
Mr M. Hughes
Mr W.J. Johnston
Mr D.J. Kelly

Mr M. McGowan
Ms S.F. McGurk
Mr S.A. Millman
Mr Y. Mubarakai
Mr M.P. Murray
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Mr P. Papalia
Mr S.J. Price
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Ms C.M. Rowe
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Mr C.J. Tallentire
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Mr P.C. Tinley
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Mr R.S. Love
Ms L. Mettam
Dr M.D. Nahan
Mr D.C. Nalder

Mr K.M. O'Donnell
Mr P.J. Rundle
Mr A. Krsticevic (*Teller*)

Clause 3 thus agreed to.

Clause 4 agreed to.

Clause 5 put.

The Assembly divided.

Ayes (33)

Ms L.L. Baker
Mr J.N. Carey
Mrs R.M.J. Clarke
Mr R.H. Cook
Mr M.J. Folkard
Ms J.M. Freeman
Ms E.L. Hamilton
Mr T.J. Healy
Mr M. Hughes
Mr W.J. Johnston
Mr D.J. Kelly

Mr M. McGowan
Ms S.F. McGurk
Mr S.A. Millman
Mr Y. Mubarakai
Mr M.P. Murray
Mrs L.M. O'Malley
Mr P. Papalia
Mr S.J. Price
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Mrs J.M.C. Stojkovski
Mr C.J. Tallentire
Mr D.A. Templeman
Mr P.C. Tinley
Mr R.R. Whitby
Mr B.S. Wyatt
Mr D.R. Michael (*Teller*)

Noes (12)

Mr V.A. Catania
Dr D.J. Honey
Mr P.A. Katsambanis
Mr Z.R.F. Kirkup

Mr S.K. L'Estrange
Mr R.S. Love
Ms L. Mettam
Dr M.D. Nahan

Mr D.C. Nalder
Mr K.M. O'Donnell
Mr P.J. Rundle
Mr A. Krsticevic (*Teller*)

Clause 5 thus agreed to.

Clause 6.

The Attorney General moved,

Page 5, lines 2 to 6 – To delete the lines and substitute:

“

production, any animals involved in the production do not have an opportunity to graze or forage outside.

”.

Amendment put and passed.

Clause 6, as amended, agreed to.

Clauses 7 to 9 agreed to.

Clause 10.

Mr P.J. Rundle moved,

Page 7, lines 7 and 8 – To delete the lines and substitute:

“

abattoir —

- (a) means any place used for or in connection with the slaughtering of animals for sale for human consumption; and
- (b) includes a holding yard or other place used for or in connection with the slaughtering of those animals;

”.

Page 7, after line 26 – To insert:

“ (d) a hobby farm; ”.

Page 7, after line 26 – To insert:

“

animal source food supply means any of the following activities carried out at an animal source food supply place —

- (a) the processing, transport, distribution, marketing, promotion, storage, sale or supply of animal source food or of by-products of animal source food production; or
- (b) the provision of education or training in animal source food production;

animal food source supply place means —

- (a) a livestock market or saleyard;
- (b) a port at which animals or animal source food are handled;
- (c) a road train assembly area at which animals or animal source food are handled;
- (d) a warehouse, store, shop, restaurant, cafe or other place at which animal source food or by-products of animal source food production are stored, distributed or sold;
- (e) a school or college providing education in animal source food production;
- (f) a place at which an agricultural show is conducted;

”.

Page 8, line 29 to page 9, line 19 – To delete the lines and substitute:

“

interfere with, in relation to animal source food production or animal source food supply, includes any of the following —

- (a) negatively impact biosecurity, as defined in the Biosecurity and Agriculture Management Act 2007 section 6, in relation to the animal source food production or animal source food supply;
- (b) create a risk to the welfare, safety or health of an animal involved in the animal source food production or animal source food supply;
- (c) in the course of the animal source food production or animal source food supply — create a risk to the integrity or safety of meat, eggs or dairy products;
- (d) release an animal involved in the animal source food production or animal source food supply, or cause it to escape, from an animal source food production place or an animal source food supply place, or from an enclosure at such a place;
- (e) destroy, damage, steal or otherwise interfere with property used in the animal source food production or animal source food supply;

”.

Page 9, lines 20 and 21 – To delete the lines and substitute:

“

knackery —

- (a) means any place used for or in connection with the slaughtering and processing of animals for sale for animal consumption; and
- (b) includes a holding yard or other place used for or in connection with the slaughtering and processing of those animals;

”.

Amendments put.

The Assembly divided.

Ayes (12)

Mr V.A. Catania
Dr D.J. Honey
Mr P.A. Katsambanis
Mr Z.R.F. Kirkup

Mr S.K. L'Estrange
Mr R.S. Love
Ms L. Mettam
Dr M.D. Nahan

Mr D.C. Nalder
Mr K.M. O'Donnell
Mr P.J. Rundle
Mr A. Krsticevic (*Teller*)

Noes (30)

Ms L.L. Baker	Mr M. McGowan	Ms R. Saffioti
Mr J.N. Carey	Ms S.F. McGurk	Ms A. Sanderson
Mrs R.M.J. Clarke	Mr S.A. Millman	Ms J.J. Shaw
Mr M.J. Folkard	Mr Y. Mubarakai	Mrs J.M.C. Stojkovski
Ms J.M. Freeman	Mr M.P. Murray	Mr C.J. Tallentire
Ms E.L. Hamilton	Mrs L.M. O'Malley	Mr D.A. Templeman
Mr T.J. Healy	Mr P. Papalia	Mr P.C. Tinley
Mr M. Hughes	Mr J.R. Quigley	Mr R.R. Whitby
Mr W.J. Johnston	Ms M.M. Quirk	Mr B.S. Wyatt
Mr D.J. Kelly	Ms C.M. Rowe	Mr D.R. Michael (<i>Teller</i>)

Amendments thus negatived.

Mr P.J. Rundle moved,

Page 9, line 23 to page 10, line 22 — To delete the lines and substitute:

“

(2) Delete section 70A(2) and insert:

(2) A person who, without lawful excuse, trespasses on a place commits an offence.

Penalty for this subsection: imprisonment for 12 months and a fine of \$12 000.

(2A) A person who, without lawful excuse, trespasses on an animal source food production place or an animal source food supply place in circumstances of aggravation commits an offence.

Penalty for this subsection: imprisonment for 2 years and a fine of \$24 000.

(2B) A person trespasses on an animal source food production place in circumstances of aggravation if, in committing the trespass, the person —

(a) interferes with, or intends to interfere with, animal source food production;
or

(b) in the context of another person's engagement in animal source food production — assaults, intimidates or harasses, or intends to assault, intimidate or harass —

(i) the other person; or

(ii) a family member of the other person.

(2C) A person trespasses on an animal source food supply place in circumstances of aggravation if, in committing the trespass, the person —

(a) intends to interfere with animal source food supply; or

(b) in the context of another person's engagement in animal source food supply — assaults, intimidates or harasses, or intends to assault, intimidate or harass —

(i) the other person; or

(ii) a family member of the other person.

(2D) If a court sentencing an adult offender for an offence under subsection (2A) does not impose a term of imprisonment then, except as provided in subsection (2E) and despite the Sentencing Act 1995, the court must impose —

(a) a community order under the Sentencing Act 1995 that includes —

(i) a supervision requirement with a direction that the offender must not enter or remain on an animal source food production place or animal source food supply place specified, or of a kind specified, in the order; and

(ii) a community service requirement;

and

(b) a fine of at least \$2 400.

(2E) Subsection 1 (2D) does not apply in a particular case if the court is satisfied that exceptional circumstances exist in that case.

(3) In section 70A(3) delete “subsection (2),” and insert:

subsection (2) or (2A),

”.

Amendment put.

The Assembly divided.

Ayes (12)

Mr V.A. Catania
Dr D.J. Honey
Mr P.A. Katsambanis
Mr Z.R.F. Kirkup

Mr S.K. L’Estrange
Mr R.S. Love
Ms L. Mettam
Dr M.D. Nahan

Mr D.C. Nalder
Mr K.M. O’Donnell
Mr P.J. Rundle
Mr A. Krsticevic (*Teller*)

Noes (29)

Ms L.L. Baker
Mr J.N. Carey
Mrs R.M.J. Clarke
Mr M.J. Folkard
Ms J.M. Freeman
Ms E.L. Hamilton
Mr T.J. Healy
Mr M. Hughes
Mr W.J. Johnston
Mr D.J. Kelly

Mr M. McGowan
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Mr C.J. Tallentire
Mr D.A. Templeman
Mr P.C. Tinley
Mr R.R. Whitby
Mr B.S. Wyatt
Mr D.R. Michael (*Teller*)

Amendment thus negatived.

Clause 10 agreed to.

Clauses 11 to 15 agreed to.

Title agreed to.

Consideration in detail concluded.

Ordered, That the third reading of the bill be made an Order of the Day for the next sitting of the Assembly.

12. Adjournment

The Leader of the House moved, That the House do now adjourn.

Question put and passed.

The Assembly adjourned accordingly at 5.12 pm until Tuesday, 22 September 2020 at 2.00 pm.

Members present during any part of the day's proceedings – All the members except Ms M.J. Davies, Ms J. Farrer, Mr F.M. Logan, Mr W.R. Marmion, Mr J.E. McGrath, Mr K.J.J. Michel and Mrs M.H. Roberts.

KIRSTEN M. ROBINSON
Clerk of the Legislative Assembly

HON. PETER WATSON
Speaker of the Legislative Assembly